Pasumai

App. F. IX-4

1934-5
(Mur)

File No. 223-34
Serial Nos. 1-6

Previous References
Mz 174-30-(1-9)
" 74-31-(1-2)
" 246-31-1+2
Later References.
Mz 141 35-44
Mz 141-35-576

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 6

Part B for May 1935

SUBJECT.

Resumption of S.No 127/2 of Kattamaranahalli, Taluk, originally endowed as Kattra at Kolar

No 1430

4 2-5-36

To, The M.C.

Requests to dispose of the appeal himself

WD 01965—GPB—15,000—7-7-34

Re: resumption and ors Grant of S. No 121/2 of Kethamanna halli Bangalore Tk originally endowed Dodmalli at Aralepet

[App. F. III—2

General and Revenue Secretariat

Mysore File No. 223 of 1934-35

Serial No.	
1	Letter no Appl 23/33-34 dt 29.11.34 from the Mysore Commissioner forwarding records relating to the prayer of one Basavappa Mandi merchant - Akkipet Bangalore city - for the grant of S. No 121/2 of Kethamaranahalli Bangalore Taluk originally endowed to Dodmalli at Aralepet Bangalore city and stating for reasons set forth there that the land maybe transferred as Inam to the Akkipet Mutt as it is inexpedient to confer a personal right of alienation on the petr (1) The resumption of the Inam land S. No 123 of Kethamaranahalli village, Bangalore Tk (Present no 121/2) which was originally granted to Aralapet Dodmalli was ordered in para 3 of the decision given in Mysore Appl no 12 of 30-31 and the land was ordered to be disposed of under G.O no 1769-72/Mysore 49-28-2 dt 1.2.29 - The land measures 7-8 acres abt Rs 9/- (2) Later on a review was preferred for a reconsideration of the decision given on Mysore Appl no 12 of 30-31 & this was rejected (Vide Mysore 74-31-2) - (3) On 8.4-32 the petr Basavappa filed a petn before the then Hon'ble Member of Council praying inter alia to grant in Kethamaranahalli village on the ground of he & his predecessors having

NOTE—Contn. Sheet

WP 01955—GPB—22,500—12-31

possession of the land for over 83 years & the orders are as in memo No 1555 / mus 3 246-31-2 × 7 & 2614/32 communicated to the Counsel for the petitioner. He has told that the petr's request for the grant of the land could not be complied with until he would establish his adverse enjoyment of the land for the required period. What the required period is has not been pursued or alluded to in the decisions of 10/8/32 of the S.D.O and of the D.C of 10.1.34 - The claim of the petr for the land in question has been vetoed by both the officers, while the m.c. in para 3 of the R.H.D opines that the case seems to fall under the second proviso to Sec 10 of the Religious and Charitable Regulation under which the land should be fully assessed & left in the hands of the alienee, the assessment being made over & the original Instn. It is said that as the original Instn. viz Arulapel Vadamai has become defunct, the assessment, if levied, will form part and parcel of the Syn. Fund annually to the extent of Rs 91/- The m.c. says that instead of allowing the land to become the personal property of the petr, it may be transferred as an Inam to the Archaka of the Syn, to which he says the petr has no objection. The records received do not bear out the latter. D/F. Calling

Re: disposal of The Kethammanah alli lands of the deputy Vaalepet Hpli

[App. F. III—2

General and Revenue Secretariat | Mlly File No. | of 193

Serial No.	
	for records of the office of the M.C. is submitted for orders —
	G.O. 24/12 4) Issued on 28/12/34
2	Letter no 939 of 31.12.1934 of the Muzrai Commissioner calling for his office file on the subject.
3	Letter no ABM 23/33-348 8.1.35 from the Muzrai Commissioner furnishing his office records on the subject.
	5) His report is invited to the orders of the then Hon. Member in charge of Revenue on Mis. Muzrai petn no 184 of 31-32 of one Basavappa, Manager Merchant residing at Akkipet Bangalore City claiming the land in question on the ground that he has acquired title by adverse possession of the same. (Vide Para 10 of the G.O. in Muzrai 266-31-2) The S.D.O. and the D.C. Bangalore have rejected the claim. While the M.C's decision of 16/11/34 on the appeal before him on the subject is as follows:—
	6) "It is evident from the record that the heads of the Akkipet Mutha have been in uninterrupted enjoyment of the Inam land for nearly a Century. The exact point of time at which they ceased to function as

Issue 2/1/35

as trustee of Akkiseri Mutt & their enjoyment became adverse to — Govt is difficult to settle. The most equitable arrangement in the circumstances would be to give the appellant mutt if only as a matter of grace the benefit of the second proviso to Sec^{n} 10 — A recommendation in maybe made to Govt — of the General Mng Regr

recording ".

In the appeal preferred before the M.C., the petitioner ~~the Deputy before the DPC.~~ ~~as Sole~~ ~~found his appeal~~ seeks claiming the land for himself on the strength of the lease deeds, the receipts granted to him from the village officials, evidence of tenants Etc. & not for any mutt; but the M.C. in his decision of 16/11/34 proposes to give the land to the appellant Mutt: in this connection it may be said that no mutt is in appeal before him; only the petr Basavakka Merchant residing at Akkiseri. Bangalore city being in appeal before him as evidenced from the appeal petn. The M.C. in para 6 of the P. Ord says that he understood that the appellant had no objection to the Inam being endowed to Akkiseri Mutt & this is not on record in the office file of the M.C. In these circumstances

File No. 223 of 1934

Serial No.

whether the proposal of the H.C. may be accepted or whether he may be requested to reconsider his decision in the case, leaving the aggrieved party to prefer an appeal before Govt if he chooses to do so, as recommended by Govt or the subject also hearing the appeal are not contemplated under sections 38 & 39 of the Religious & Endowments Act & Rules framed thereunder.

11/2 Gs

12

10) There is nothing on record to show which the Akkipet mutt is, why any lands should be granted to it, and what influence & respect he commands with the people of Akkipet or Arlepet. If approved the D.C. will be requested to state in detail the reasons for his recommendation on behalf of the Akkipet mutt.

Who the head of the mutt is

Ch: Sec'y 11) 2/8

23/2/35

12)

Gs 27 Offg. Secy

13) Issued 26/2

4 No. 1141 dt 27-2-1935 to the Director of Commissioner — Calling for additional information.

6) Disposal of the Kethamaikanakalli land of the deceased Mutt in Coimbatore.

Mmg File No. 223 of 1934 | General and Revenue Secretariat

Letter no Apptt 23/33-34 Dt. 15/3/35 from the Mazrai Commissioner furnishing the information called for. (Recd. here 15/April/35)

The information furnished is. Refer both regds to Paras 10 & 11 Supra.

In view of the report that the appellant (before the M.C) is willing to take up the Kethamaikanakalli land subject to its being given him for Kandayam, the M.C's proposal for transferring the Inam land for the benefit of the Akkipet Mutt does not appear to be tenable. As he has heard the case, it is open to him to pass orders on merits. If appeal he will be informed accordingly & the records returned — Sales for orders —

GS 18/4/35

It) The M.C's attention may be drawn to the portion of Dis letter Dt. 6/4/35 (Copy of which he has sent with his letter Dt. 15.3.35) wherein he says that the appellant is willing to take the land provided it is granted for Kandayam and he may be asked to dispose of the appeal before him himself.

Yours

Rd 22/4/35

22/4/35

(Chief Secretary)

(II Member).

22/4.

JR 24 Rd 29/4 29/4

A. 15/4/35

CHIEF SECRETARY
24 APR. 1935
OFFICE OF
SECOND MEMBER OF LEGISLATIVE COUNCIL
27 APR. 1935
No. 69-9-1

Serial No.

Dept. dated

G-S
3914/35

Appeal

/19

No 1430 & 2.5.1935 to the Inspector Commissioner inviting reference to the last portion of the Bangalore Deputy Commissioner's letter of 6.4.35 and stating that he may dispose of the appeal before him himself as he has heard it already.

B.
14.5.35

File No. of 193 .

General and Revenue Secretariat

MC 13.] No. Apl 23/33-34 Encl Records.

Mrz 223-34-1

OFFICE OF THE MUZRAI COMMISSIONER,
IN MYSORE,

Dated, Bangalore, 28th November 1934.

29.

CENL & REV SECRET 623. 1 - DEC 1934

FROM

N. MADHAVA RAO, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.

To

Rajasevasakta
R. Ranga Rao, Esq., B.A., B.L.,
Chief *Secretary to the Government of His Highness the Maharaja of Mysore,*
Bangalore, ~~Department~~

CENL & REV SECRET 9 NOV. 1934

SIR,

Resumption of S.No.127/2 of Kethamaranahalli, Bangalore Taluk, originally endowed to Dodda Matha at Arlepet.

Adverting to Government Orders in Muzrai Appeal No.12/30-31 dated 9th June 1931 and in Mis. Case No.18/31-32 regarding the prayer of N. Pasettappa, Mandi Merchant, Akkipet, for the grant of the above land, I have the honor to state that action having been taken for resumption of the inam land, appellant Pasettappa put in a claim for adverse possession before the Sub Division Officer. Both, he and the Deputy Commissioner declined to recognize the claim for reasons explained in their orders, enclosed in the records.

2. Against the order of the Deputy Commissioner in case No.M.A.9/33-33 dated 23-12-1933, Pasettappa filed an appeal to this office and it was heard on 31st October 1934. The appellant contends that the land in question was gifted by the original grantee (Thotadappa) to Chenna Veera Devaru of Akkipet Matha in 1849, and that since then, the latter and after him his successors including himself have been in uninterrupted enjoyment of the land in their own capacity. But the statement of Chennaveeradevaru during the Inam Settlement and the document, viz. the Registered Will dated 19-12-1877 executed by Chennaveeradevaru in favour of Basavalinga Maridevaru show that the enjoyment of the land although it extends to nearly 90 years was in its origin and for a long time thereafter coupled (nominally at least) with the management of the Arlepet Matha. It could have become adverse to the latter Matha

at all, only when that Matha became defunct. The exact point of time when this occurred cannot be determined; but there is reason to believe that the Matha ceased to exist and the appellant's possession became adverse, some time after the year 1877.

3 The case would therefore seem to be one in which, under the second proviso to Section 10 of the Religious and Charitable Regulation, the lands should be fully assessed and left in the hands of the alienees, the assessment being made over to the original institution. But as the beneficiary institution is defunct and as it is inexpedient to confer a personal right of alienation on the appellant, I suggest that a different course might well be adopted in this case.

4 The Dodda Matha at Arlepet may be formally declared to be defunct and the land may be transferred as inam to the Akkipet Matha. This would be a recognition of a land standing arrangement, which it would not be fair to disturb at this distance of time and which would prevent the lands becoming purely personal property of the appellant. I understood that the appellant had no objection to this proposal which may in my opinion, be approved by Government.

5 The file of vernacular papers is sent herewith for reference.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

SUBJECT .....

.....

.....

Section Mis

File No. 223-34

Serial No. 2

Diary No. of letter replied to 623

No. 939.

To

The M.C

Sir,

With reference your letter no. APL 23/33-34 dt 29.11.34 re: the disposal of certain Devadaya Inam land in Kethamaranahalli Village Bangalore Tk, originally granted to Arulappa Goddimane Bangalore city, I am directed to request you to be so good as to forward for reference your office file on the subject, which may not have been received along with other records.

I have &c

For the Sec

General and Revenue Secretariat

( )

the *193*

Date of issue 31/12/34

Signed by Mr. K N Krishna Swamy

List of enclosures .....

Copied by .....

Examined by .....

956—GPB—32,500—12-6-34

24.11.34

Mis 223-34-3

a/c 23, Rue 47 files
33-34

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE

...ARAJA OF MYSORE

Bangalore, 14th ... 193..

8

FROM K. MADHAVA RAU, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore,
Bangalore.

GENL & REVENUE
885
1935

TO THE SECRETARY
14 MAY 1935
Rajasevasakta
R. Ranga Rao, Esq., B.A., B.L.,
Offg. Chief Secretary to the Government of His Highness
the Maharaja of Mysore,
Revenue Department

Sir,

With reference to correspondence ending with your letter No. 39/Muz. dated 31-12-34 relating to the disposal of certain Devadaya Inam lands in ... village, Bangalore Taluk, I have the honor to enclose herewith ... Mutt, Bangalore City, I have the honor to enclose herewith ... files of this office bearing Nos. Muz.33/35-4, Muz.33/27-28, ... Dis.775/31-32 and Muz.33/27-28, ...

I have the honor to be,
Sir,
Your most obedient servant,

K V Chamaraja Parameswara
Muzrai Commissioner

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 27-2-1935

No. 1141 Inc. & Trees
Mezg

From

Chief Secretary to the Government of His Highness
the Maharaja of Mysore.

To

The Mzgral Commissioner in Mysore, Bangalore.

Sir,

With reference to the correspondence ending with your letter No. Apl. 23 of 1933-34 dated the 8th January 1935 in the matter of the disposal of certain Devadaya Inam land in Kethamaranahalli Village, Bangalore Taluk, I am directed to state that it is not clear from your office File No. Apol.23/ 1933-34 which the Akkipet Mutt referred to in your order of 16th November 1934 is, why any lands should be granted to it, who the head of the Mutt is and what influence and respect he commands with the local people and to request you therefore, to be so good as to state in detail the reasons for your recommendation on behalf of the Akkipet Mutt.

I have the honor to be,

Sir,

Your most obedient servant,

Chief Secretary to Government.

C.R.G.3

Appendix F G—1]

SUBJECT .....

.....

.....

3 Copies

Diary No. of letter replied to 805

General and Revenue Secretariat

( )

the 193 .

Date of issue 27-2-35

Signed by Muddukrishnappa

x 9

List of enclosures .....

Copied by .....

Examined by.....

Section A;

File No. 3-37

Serial No. 4

No. 1141 / Encl. Entire records received from the D.C.

To

The M C

Sir,

With reference to the correspondence ending with your letter no A 1&L 23/33-34 dated 8.1.1935 in the matter of the disposal of certain devadaya Inam lands in Kethamaranahalli Village, Bangalore Tk,

I am directed to state that it is not clear from your office file No A1&L 23/33-34 which is submitted with reference to your order CD 16 LII/34 dt 8.1.35, why any lands should be granted to the Head of the Math & what the influence and respec

he commands with the local police &
to request you to the do good as to state
in detail the reasons for your recommendations
for the grant of the Rothamsted
on behalf of
the benefit of the Allotment Club.

Yours Etc

[illegible]
for Chief Sec

GS
25.2.35.

No 223-34-5

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Ive records.

Bangalore,... .....193 .

15

N. MADHAVA RAU, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore,
Bangalore.

GEN 1164

Rajaseveeba
B. [illegible], [illegible], [illegible],

Chief *Secretary to the Government of His Highness the Maharaja of Mysore,*

.....Bangalore..... .... *Department*

Resumption of C. .137/3 [illegible]
Taluk, [illegible]

Adverting to your letter No.1111/ dt. [illegible] / February 1935, calling for certain [illegible] Matha, I have the honour to forward herewith [illegible] 33-3640/33-34 dated the 6th April 1933 [illegible] Chairman, Bangalore District, [illegible]

The connected records on the subject [illegible] letter are returned herewith.

I [illegible]

[illegible]

N Madhava Rau

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA

General and Revenue Secretariat

Dated, Bangalore, 2-5- . *193*5

No. 1430 Legs/Revenue,
Mag 223-34-6

From

Chief Secretary to the Government of His Highness the Maharaja of Mysore.

To

N. Madhava Rau, Esquire, B.A., B.L.,
Muzrai Commissioner in Mysore, Bangalore.

Sir,

With reference to correspondence ending with your letter No. Apl. 23/33-34 dated the 15th March 1935 in the matter of the resumption and disposal of Survey No. 127/2 of Vethamavanahalli, Bangalore Taluk, formerly endowed to Sri Podda[illegible] Mutt at Arlepet, Bangalore City, I am directed to invite reference to the last portion of Bangalore Deputy Commissioner's letter No. C.3-3640/33-34 dated the 6th April 1935 copy of which is received with your letter under advertance wherein he says that the appellant (in Muzrai Appeal No. 23/33-34 on the file of your Court) is willing to take the land referred to above provided it is granted to him for kandayam and to state that you may dispose of the appeal before you yourself, as you have heard it already .

The enclosures received with your letter under advertance are herewith returned.

I have the honor to be,
S i r ,
Your most obedient servant,

Chief Secretary to Government.

Appendix F G—1]

SUBJECT .....

.....

.....

3 Encls

Diary No. of letter replied to ....1164....

General and Revenue Secretariat

( )

the 193 .

Date of issue ....2....5....35.... p.u. D 11

Signed by ....N. Madhavaraya....

List of enclosures .....

Copied by .... 1.5.35.

Examined by .....

Section M43

File No. 223-34

Serial No. 6

No. 1430 Enc 1 & Records

To The M.C.

Sir,

With reference to correspondence ending with your letter No. APL 23/33-34 dated 15/3/35 in the matter of the resumption & disposal of S. No. 127/2 of Kothanur alias Kothanur Tank formerly endowed for Sri Adi Keshava at Arakere Bangalore T.D. I am directed to invite reference to the last portion of Bangalore D.C.'s letter No. C3-3640/33-34 & 4/4/35 copy of which is received with your letter under acknowledgement wherein he says that the appellant

(in my Appl 23/33-34 on
the file of your Court) is willing
to take the land refd to above
provided it is granted
to him for Kharif and
& to state that you may
yourself dispose of the appeal
before you, as you have heard it already

The ex Governor
received both your letters
more attention are needed
required ——

Thanks Etc

Sd/- 30/4

For Chief Sec

GJ
30.4.